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FACSIMILE TRANSMITTAL SHEET

TO:	FAX NUMBER:
USPTO	(703) 872-9306
Attention:	
Examiner Kamal A. Saeed	
FROM:	PHONE NUMBER:
William Lee	(908) 298-2161
TOTAL NO. OF PAGES INCLUDING COVER	DATE
38	August 24, 2004

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NOTES/COMMENTS:

PLEASE HAND DELIVER TO THE ATTENTION OF
EXAMINER KAMAL A. SAEED

In re Application of: Anandan Palani *et al.*
For Patent For: MCH Antagonists and Their Use in the Treatment of Obesity
Group Art Unit: 1626
Attorney Docket No.: CN01365K US/ Serial No.: 09/995,949
Filed: 11/28/2001

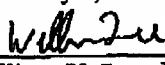
Dear Examiner:

In response to our conversation today, please find transmitted here with are:

- Fax Cover Sheet - 1 Page
- Certificate of Transmission PTO/SB/97 - 1 Page
- Transmittal Form PTO/SB/21 - 1 Page
- Req. for Reconsideration of Holding of Abandonment - 2 Pages
- Petition for Revival PTO/SB/64 - 2 Pages
- Fee Transmittal PTO/SB/27 - 1 Page in duplicate

Additional documents include:

- Copy of Fax Cover Sheet and Confirmation to Examiner Jones 5/26/04 - 2 Pages
- Copy of Fax Cover Sheet & Confirmation to Examiner Saeed 5/17/2004 - 2 Pages
- Copy of Supplement Response to Communication 5/17/04 - 1 Page
- Copy of Certification of Facsimile as filed on May 17, 2004 - 1 Page
- Copy of Post Card stamped received by the OIPE on February 11, 2004 - 1 Page
- Copy of Post Card as filed on February 6, 2004 - 1 Page
- Copy of Transmittal form as filed on February 6, 2004 - 1 Page
- Copy of Petition for One Month Extension as filed on February 6, 2004 - 1 Page (1 duplicate)
- Copy of Response to Final Office Action as filed on February 6, 2004 - 18 Pages


William Y. Lee- Reg. Representative
Registration No. 46,100

Attorney Docket No.: CN01365K

Application No.: 09/995,949

Filing Date: 11/28/2001

First Named Inventor: Anandan Palani et al.

PTO/SB/97 (08-03)

Approved for use through 07/31/2008, OMB 0651-0031

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on 08/24/2004

Date



Signature

William Y. Lee, Reg. No. 46,100

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Document(s) being transmitted:

Fax Cover Sheet - 1 Page

Certificate of Transmission PTO/SB/97 - 1 Page

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Req. for Reconsideration of Holding of Abandonment - 2 Pgs.

Petition for Revival PTO/SB/64 - 2 Pages

Fec Transmittal PTO/SB/17 - 1 Page in duplicate

Additional Documents:

Copy of Fax Cover 5/26/04 - 2 Pages

Copy of Fax Cover Sheet 5/17/2004 - 2 pgs.

Copy of Supp. Response 5/17/04 - 1 Page

Copy of Fax Cert. 5/17/04 - 1 Page

Copy of Post Card 2/11/04 - 1 Page

Copy of Post Card 2/6/04 - 1 Page

Copy of Trans. Form 2/6/04 - 1 Page

Copy of Pet. Ext. of Time 2/6/04 - 1 Pg. in dup.

Copy of Response AP 2/6/04 - 18 pgs.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/995,949
	Filing Date	11/28/2001
	First Named Inventor	Anandan Palani et al.
	Art Unit	1626
	Examiner Name	Kamal A. Saeed
	Attorney Docket Number	CN01365K
Total Number of Pages in This Submission		38

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Req. for Reconsideration - 2 Pages; Certificate of Transmission PTO/SB/97 - 1 Page; Fax Cover Sheet - 1 Page
Remarks Duplicate copies enclosed include: *Copy of Fee Cover Sheet & Confirmation to Exam, Power of Atty 5/2/04 - 2 Pgs *Copy of Fee Cover Sheet & Confirmation to Examiner Saeed 3/17/04 - 3 Pgs *Copy of Supplemental Response to Communication 4/17/04 - 1 Page *Copy of Confidentiality of Invention 4/17/04 - 1 Page *Copy of Post Card Stamped & Received by the OUPB 3/1/04 - 1 Page *Copy of Post Card as Filed on 2/6/04 - 1 Page *Copy of Transmittal Form as Filed on 2/6/04 - 1 Page *Copy of Petition for one Month Extension 2/6/04 - 1 Page in duplicate *Copy of Response to Final Office Action as Filed on 2/6/04 - 18 Pages		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	William Y. Lee, Reg. No. 46,100	
Signature	<i>William Y. Lee</i>	
Date	08/24/2004	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	William Y. Lee, Reg. No. 46,100	
Signature	<i>William Y. Lee</i>	Date 08/24/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT CASE: CN01365K

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Anandan Palani et al.	:	Examiner: Kamal A. Saeed
For Patent: MCH Antagonists and Their	:	Date: August 24, 2004
Use in the Treatment of Obesity	:	Group Art Unit: 1626
Serial No.: 09/995,949	:	
Filed: 11/28/2001	:	
	-X	

Schering-Plough Corporation
Kenilworth, New Jersey 07033

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22323-1450

REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT

Sir:

A Notice of Abandonment for failure to respond to an Official letter was mailed to applicants on July 27, 2004 and received on July 29, 2004.

The Notice stated that Applicant's failed to timely file a proper reply to an Official letter mailed on October 6, 2003. The three-month period for a reply expired on January 6, 2004.

Applicants did, in fact, submit a response Amendment on February 6, 2004, along with a request for a one-month extension of time to reply. A copy of the postcard which accompanied applicants' response, and which was returned with the USPTO stamp indicating receipt on February 11, 2004, is attached.

Also attached are copies of the documents listed on the postcard, the amendment, the request for the extension of time and a Response Transmittal Form.

On or about May 17, 2004, applicants received a phone call from Examiner Kamal Saeed warning applicants about the possibility of this case going abandoned for applicants' alleged failure to respond to the October 6, 2003 Official Letter.

Immediately after the phone call with Examiner Saeed, applicants faxed a copy of the previously filed February 6, 2004 Amendment, with all the accompanying paperwork listed in the above paragraph, including a copy of the return postcard with the USPTO stamp indicating receipt on February 11, 2004. Also faxed on May

In re Application of: Anandan Palani et al.
Serial No.: 09/995,949
Filed: 11/28/2001
Date: August 24, 2004

17, 2004 was a supplemental communication and Certificate of Facsimile, copies of which are attached.

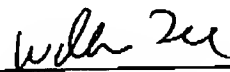
An Advisory Action mailed on June 15, 2004, for which a period to reply was set on the mailing date of the Advisory Action or the date set forth in the final rejection was received by applicants on June 17, 2004 and brought to the attention of the undersigned attorney a day or two thereafter. The Advisory Action stated that the amendments of February 6, 2004 would not be entered.

Upon receipt of the Advisory Action, further conversations with Examiner Saeed stated to the applicants that a Petition to Revive would be necessary to continue the prosecution of this case.

Applicants believe that this information is sufficient to prove that a response was filed and that the error in abandoning this application is clear. Should further documentation be required, please contact the undersigned attorney at the telephone number given below.

Applicants respectfully request reconsideration of the abandonment and reinstatement of this application as soon as possible.

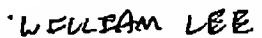
Respectfully submitted,





William Y. Lee
Reg. No. 46,100
Attorney for Applicants
(908) 298-2161

WYL:sa

I hereby certify that this correspondence is being transmitted via facsimile addressed to Examiner Kamal A. Saeed at (703) 872-9306 at the United States Patent Office, P.O. Box 1450, Alexandria, Virginia 22313-1450 on August 24, 2004.



Registered Representative


Signature


Date of Signature